

By: Lucio III

H.B. No. 1852

Substitute the following for H.B. No. 1852:

By: Herrero

C.S.H.B. No. 1852

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of manufactured home communities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community is authorized by law; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and

(2) declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot

1 for less than 12 months.

2 (d) A manufactured home owner may install a new or used
3 manufactured home, regardless of the size, or any appurtenance on a
4 manufactured home lot located in a manufactured home community for
5 which a nonconforming use is authorized by law, provided that the
6 manufactured home or appurtenance and the installation of the
7 manufactured home or appurtenance comply with:

8 (1) nonconforming land use standards, including
9 standards relating to separation and setback distances and lot
10 size, applicable on the date the nonconforming use of the land
11 constituting the manufactured home community was authorized by law;
12 and

13 (2) all applicable state and federal law and standards
14 in effect on the date of the installation of the manufactured home
15 or appurtenance.

16 (e) A municipality that prohibits the construction of new
17 single-family residences or the construction of additions to
18 existing single-family residences on a site located in a designated
19 floodplain may, notwithstanding Subsection (b), (c), or (d),
20 prohibit the installation of a manufactured home in a manufactured
21 home community on a manufactured home lot that is located in an
22 equivalently designated floodplain.

23 SECTION 2. Subchapter Z, Chapter 214, Local Government
24 Code, is amended by adding Section 214.906 to read as follows:

25 Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES.

26 (a) "Manufactured home" has the meaning assigned by Section
27 1201.003, Occupations Code.

1 (b) Notwithstanding any other law, the governing body of a
2 municipality may not regulate a tract or parcel of land as a
3 manufactured home community, park, or subdivision unless the tract
4 or parcel contains at least four spaces offered for lease for
5 installing and occupying manufactured homes.

6 SECTION 3. This Act takes effect September 1, 2017.